



## SOUTHERN CALIFORNIA

three sustained serious injuries, and eight others were less seriously injured.

The eleven surviving passengers and representatives of the estates of the two other passengers (seeking wrongful death damages) sued the vehicle manufacturer, the tire manufacturer (names not disclosed) for products liability and the company that serviced the van for negligent inspection. The service company was dismissed from the suit on the grounds that there was no evidence that it repaired or otherwise touched the left rear tire of the van.

The claim against the van's manufacturer was that the vehicle was defectively designed due to having: two bench seats behind the rear axle, a short wheel base, unequal weight distribution, poor handling, instability, propensity to roll over due to a high center of gravity that increased with the number of passengers, and a weak roof which collapsed on the trailing edge, which is where the passengers who sustained fatal or serious injuries were seated. The claim against the tire manufacturer was that the tire was improperly designed without a nylon cap ply which resulted in its delamination. The claim against the service company was that the van was negligently serviced and inspected.

The defense contended that the plaintiffs' employer negligently maintained the tire, that the accident was caused by driver error, and that the plaintiffs' injuries were largely caused by not wearing seat belts. Also, the van's manufacturer denied any negligence and contended that the van's design was safe. The tire manufacturer contended that the tire was poorly maintained and had five prior punctures that were not properly repaired. The service company contended that, while it had performed an oil change on the van, it never repaired or adjusted the inflation of the left rear tire.

**INJURIES/DAMAGES** Two passengers died. Three sustained non-paralyzing lumbar or thoracic fractures. Others sustained minor physical injuries. The plaintiffs did not specify the amount of damages they sought to recover.

**RESULT** The vehicle manufacturer and tire manufacturer settled for \$12 million.

**PLAINTIFF  
EXPERT(S)**

Mark W. Arndt, car design, Meza, AZ  
 Peter Formuzis, economics, Santa Ana, CA  
 Donald Friedman, Ph.D., car design,  
 Santa Barbara, CA  
 Robert W. Johnson, economics,  
 Los Altos, CA  
 Allan J. Kam, transportation regulations,  
 Bethesda, MD  
 Ted M. Kobayashi, accident  
 reconstruction, Livermore, CA  
 Robert Ochs, tire design, Greenville, SC  
 David Renfroe, PhD, instability accidents,  
 Farmington, AR

Anthony Sances, Jr, biomechanical,  
 Santa Barbara, CA

**DEFENSE  
EXPERT(S)**

None reported

-Lisa Braunstein